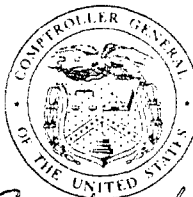


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DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

*[Untimely Protest of Navy Contract Award]*

FILE: B-198076

DATE: March 25, 1980

MATTER OF:

Ver-Val Enterprises, Inc.

*DLG04215*

DIGEST:

Protest not filed with GAO within 10 days of agency's adverse action on protest to agency is untimely and not for consideration under GAO Bid Protest Procedures.

Ver-Val Enterprises, Inc. (Ver-Val) protests the award of a contract to Turbodynamics (Turbo) by the Department of the Navy, Naval Facilities Engineering Command, Davisville, Rhode Island (Navy), under invitation for bids No. N62472-79-B-1647.

*DLG04216*  
*DLG04217*

Ver-Val objects to the Navy's course of action in allowing Turbo a period of time in which to cure a deficiency noted during a pre-award survey and starting and halting a pre-award survey on Ver-Val in the interim period.

Ver-Val initially protested to the Navy. On February 26, 1980 Ver-Val received the Navy's denial of its protest. Ver-Val's subsequent protest to this Office was received on March 12, 1980.

Section 20.2(a) of our Bid Protest Procedures, 4 C.F.R. Part 20 (1979), states in pertinent part:

"\* \* \* If a protest has been filed initially with the contracting agency any subsequent protest to the General Accounting Office filed within 10 days of \* \* \* initial adverse agency action will be considered \* \* \*."

The term "filed" is further defined as "receipt \* \* \* in the General Accounting Office." 4 C.F.R. § 20.2(b) (3).

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Ver-Val's protest was received in this Office more than 10 days after its receipt of Navy's February 26 letter. Accordingly, the protest is untimely and not for consideration.

We point out, however, that generally an agency may allow a bidder a reasonable period within which to cure a problem related to its responsibility. See, e.g., B-178043, July 27, 1973.

*Harry R. Van Cleave*  
for Milton J. Socolar  
General Counsel